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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,000	10/31/2003	Takeshi Ishizu	023971-0312	8255

22428 7590 10/18/2005
FOLEY AND LARDNER LLP
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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,000

Applicant(s)

ISHIZU ET AL.

Examiner

Gertrude Arthur-Jeanglaude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

Claims 11-12, 14, 16 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

ClaimS 11-12, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. 6,175,799) in view of Tange et al. (U.S. 6,298,298).

Tsutsumi et al. disclose an apparatus and method for automatically controlling vehicular velocity. According to Tsutsumi et al. a command vehicle speed (velocity) variation (difference)

Determining section calculates a command vehicle speed (velocity) variation (figure 2) on the basis of a deviation between a vehicle speed (velocity, V) and a target vehicle speed (velocity, VT) set by an operator. See Fig. 2A, columns 1-2. Tsutsumi et al. also disclose a correction quantity that detects a lateral acceleration YG of the vehicle and calculated a correction quantity according to the lateral acceleration (figure 4 and column 2, lines 5-9 and column 6, lines 12-18). Furthermore, the command vehicle speed (velocity) is

calculated by subtracting the correction quantity for a first value calculated from at least one of the target vehicle speed (velocity) set by a vehicle operator and a second value calculated from the vehicle speed and the variation of the command vehicle speed. See columns 2, 7-8. Tsutsumi et al. fail to specifically disclose that the correction quantity calculation section determining the correction quantity so that the correction quantity becomes smaller as the vehicle speed (velocity) becomes higher. In an analogous art, Tange et al. disclose a correction quantity calculation section determining the correction quantity so that the correction quantity becomes smaller as the vehicle speed (velocity) becomes higher (See column 6, lines 33-35; column 11, lines 16-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Tsutsumi et al. with that of Tange et al. by having a correction quantity section for determining the correction quantity becomes smaller as the vehicle speed (velocity) becomes higher since it would permit a vehicular velocity controlling system.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. and Tange et al. in view of Tohda et al. (U.S. 5,540,299).

Tsutsumi et al. disclose that the lateral acceleration is calculated from the vehicle and a value obtained by processing one of a steering angle and a yaw rate. The correction quantity is calculated according to the lateral acceleration and the correction quantity is varied according to the vehicle speed. See column 8, line 54 to column 9, line 12. Although Tsutsumi et al. disclose a filter as shown in Fig. 2B and a model constituted of two low pass filters, Tsutsumi et al. does not particularly teach that the correction quantity is varied by

varying a cutoff frequency of the low-pass filter according to the vehicle speed. Tohda et al. on the other hand, disclose a calculating section for calculating the lateral acceleration from the vehicle speed and a value obtained by processing one of a steer angle and a yaw rate by means of a low-pass filter, calculates the correction quantity according to the lateral acceleration, and varies the correction quantity by varying a cutoff frequency of the low pass filter according to the vehicle speed (e.g., column 17). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method for controlling vehicular velocity of tsutsumi et al. by incorporating the features from the system of Tohda et al. because such modification, as suggested by Tohda et al. would ensure stability of the vehicle.

Response to Arguments

Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive.

In response to Applicant's representative arguments on page 6, Applicant's argues that "the correction coefficient δY_g is for correcting the lateral acceleration and is not for directly correcting the command vehicle speed in the pending independent claims. Second, the change of the correction efficient δY_g according to the vehicle speed functions to correct a vehicular velocity decrement variable V_d (G) (that best corresponds to the claimed correction quantity) so that the vehicular velocity decrement variable $V_d(G)$ becomes larger as the vehicle speed becomes higher. This relationship discloses by Tange

is the opposite of that recited in the pending independent claims". Examiner respectfully disagrees because Tange et al. clearly discloses a correction quantity (corrective coefficient) that becomes smaller as the vehicle speed (vehicular velocity) becomes larger (See col. 11, lines 16-23).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone

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number for the organization where this application or proceeding is assigned is
571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAS

October 14, 2005

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER